

RECEIVED
CENTRAL FAX CENTER

001

MAY 06 2004
OFFICIAL

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB URS1-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/727,970
	Filing Date	December 4, 2003
	First Named Inventor	Shih-Yaw Lai, et al.
	Art Unit	1713
	Examiner Name	Roberto Rabago
	Attorney Docket Number	DOW-8544-CJ
Total Number of Pages in This Submission		5

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): _____
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Alan E. Wagner, Esq. Whyte Hirschboeck Dudek S.C. 555 East Wisconsin Avenue, Milwaukee, WI 53202
Signature	<i>Alan E. Wagner</i>
Date	May 6, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
1 - 703-872-9306	
Typed or printed name	Ross Stong
Signature	<i>Ross Stong</i>
Date	5-6-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

002

MAY 06 2004
OFFICIAL PATENT

Attorney Docket No. DOW-8544-CJ (40121CJ)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Shih-Yaw Lai, et al.
Serial No. : 10/727,970
Filing Date : December 4, 2003
For : Elastic Substantially Linear Olefin Polymers
Group Art Unit : 1713
Examiner : R. Rabago

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

- ☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450
☐ with sufficient postage as first class mail

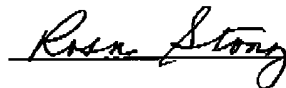
37 CFR 1.10

☐ As "Express Mail Post Office to Addressee" Mailing Label
No. EV326237299US

Transmission

- ☒ transmitted by facsimile to Fax No.: 1-703-872-9306 addressed to Examiner Roberto Rabago at the Patent and Trademark Office.

Date: May 6, 2004



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. §1.111

INTRODUCTORY COMMENTS

Dear Sirs:

This Response replies to the Office Action mailed February 11, 2004.

The Examiner has rejected Claims 41-43 under the judicially-created doctrine of obviousness-type double-patenting. Although the Examiner made provisional double-patenting rejections over 3 co-pending applications, one of the cited patent applications (10/270,212) has since issued (as US 6,737,484) and another (10/176,304) has been abandoned as of 2/26/04. Therefore, the Applicants include a Terminal Disclaimer containing a provisional disclaimer

MKE/934782.1

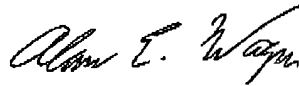
Shih-Yaw et al.

S/N: 10/270,212

over USSN 10/354,416 and non-provisional disclaimers over US Pat. Nos. 6,737,484; 5,525,695; 5,380,810; 6,534,612; 6,136,937; and, 5,783,638.

The Applicants believe that the above remarks and terminal disclaimer place the application in condition for allowance. Therefore, the Applicants request that the Examiner issue a Notice of Allowance for Claims 41-43.

Respectfully submitted,

Dated: May 6, 2004

Alan E. Wagner
Registration No. 45,188

P.O. ADDRESS:

WHYTE HIRSCHBOECK DUDEK S.C.
111 East Wisconsin Avenue, Suite 2100
Milwaukee, Wisconsin 53202
(414) 273-2100
Customer No. 029423